

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA

IN RE:

CASE NO.: 07-02089-5-ATS

CHRISTOPHER SEAN MILLER and
HEATHER BARNWELL MILLER,

CHAPTER 7

DEBTORS

NOTICE OF AND OBJECTION TO CLAIM NO. 8

NOW COMES Chapter 7 Trustee Joseph N. Callaway, by and through counsel, and hereby objects to the Proof of Claim on file in this case for the reasons stated below:

POC #	Claimant Name	Amount	Objection Basis and Result
8	Fidelity Bank	\$7,843.77	This claim is a duplicate of Claim #3 filed in this bankruptcy case by Fidelity Bank in equal amount and should therefore be denied in full.

NOTICE IS HEREBY GIVEN that the relief sought may be allowed provided that no response and request for a hearing is made in writing to the Clerk of this Court and served on the Trustee within **THIRTY (30) DAYS** from the date hereof; and

FURTHER NOTICE IS HEREBY GIVEN that if a response and a request for hearing is filed within the time indicated, a hearing will be conducted at a date, time and place to be later set by this Court and interested parties will be notified accordingly. If no request for a hearing is timely filed, the Court may rule ex parte without further Notice.

DATED: January 15, 2009

/s/ Eileen M. Bornstein

Eileen M. Bornstein

State Bar No. 28436

BATTLE, WINSLOW, SCOTT & WILEY, P.A.

Attorneys for Trustee

P. O. Box 7100

Rocky Mount, NC 27804-0100

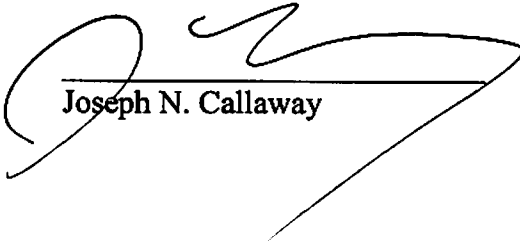
Telephone: (252)937-2200

STATE OF NORTH CAROLINA
COUNTY OF NASH

Joseph N. Callaway, being first duly sworn, deposes and says:

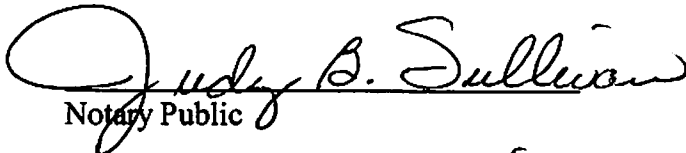
That he is the Trustee in this bankruptcy case, has read the foregoing Objection to Claim and that the matters and things alleged therein are true of his own knowledge and belief, except those matters alleged on information and belief and as to those he believes the same to be true.

DATED: January 15, 2009



Joseph N. Callaway

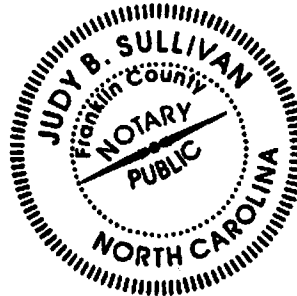
Sworn to and subscribed before me,
this 15th day of January, 2009.



Notary Public

Judy B. Sullivan

Printed Name



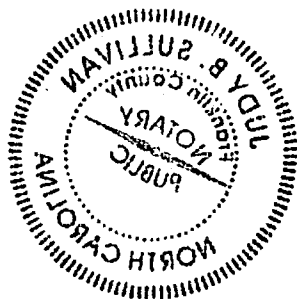
My Commission Expires: 6-25-2010

WITNESSES:
[Signature]

I, the undersigned, being a qualified Notary Public for the State of North Carolina, do hereby certify that the foregoing is a true and correct copy of the original as the same was presented to me for recording.

Notary Public

[Signature]



[Faint, illegible text]

CERTIFICATE OF SERVICE

I, Eileen M. Bornstein, Attorney for Trustee in this action, hereby certify that on the 15th day of January, 2009, I served the documents to which this certificate is attached:

NOTICE OF AND OBJECTION TO CLAIM NO. 8

by depositing a copy thereof postpaid in a post office or official depository under the exclusive care and custody of the United States Postal Service, in a wrapper, addressed to each of the following parties of interest in this action at the following last known addresses:

Marjorie K. Lynch Bankruptcy Administrator Eastern District of North Carolina Post Office Box 3758 Wilson, NC 27895-3758	Christopher and Heather Miller Debtors 135 Ryder Cup Circle Raleigh, NC 27603
Stephen Barnwell Post Office Box 236 Skyland, NC 28776-0236	William J. Layng, Jr. Pendergast & Jones PC Suite 1000 South terraces 115 Perimeter Center Place Atlanta, GA 30346
Fidelity Bank Attn: Manager/Agent 3 Corporate Square, Suite 500 Atlanta, GA 30329 <i>Via Certified Mail</i>	

/s/ Eileen M. Bornstein
Eileen M. Bornstein
Attorney for Trustee
Post Office Box 7100
Rocky Mount, NC 27804-0100
Telephone: (252) 937-2200